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9 Attorneys for Plaintiffs  
10 THE FACEBOOK, INC. and MARK ZUCKERBERG

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION  
14

15 THE FACEBOOK, INC. and MARK  
ZUCKERBERG,

16 Plaintiffs,

17 v.

18 CONNECTU, INC. (formerly known as  
19 CONNECTU, LLC), PACIFIC  
NORTHWEST SOFTWARE, INC.,  
20 WINSTON WILLIAMS, WAYNE CHANG,  
and DAVID GUCWA,

21 Defendants.  
22

Case No. 5:07-CV-01389-RS

**DECLARATION OF TINA NAICKER  
IN SUPPORT OF PLAINTIFFS'  
RESPONSES TO DEFENDANTS'  
OBJECTIONS TO EXHIBITS  
SUBMITTED IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

Date: February 27, 2008  
Time: 9:30 A.M.  
Judge: Honorable Richard Seeborg

1 I, Tina Naicker, declare as follows:

2 1. I am an associate at the law firm of Orrick, Herrington & Sutcliffe, counsel for  
3 Plaintiffs Facebook, Inc. and Mark Zuckerberg in this action, and a member of the Bar of the state  
4 of California. I make this declaration in support of Plaintiffs' Responses to Defendants'  
5 Objections to Exhibits Submitted in Support of Plaintiffs' Motion for Partial Summary Judgment.  
6 I make this declaration of my own personal knowledge and, if called as a witness, I could and  
7 would testify competently to the truth of the matters set forth herein.

8 2. Attached hereto as **Exhibit A** is a true and correct copy of Defendant and  
9 Counterclaimant TheFacebook, Inc.'s First Request to Plaintiff and Counterdefendant ConnectU  
10 LLC for Production of Documents and Things, served in a related action ConnectU v. Facebook  
11 Civil Action No. 1:04-cv-13923 (DPW) on April 6, 2005.

12 3. Attached hereto as **Exhibit B** is a true and correct copy of Facebook's Second Set  
13 of Requests for Production of Documents to ConnectU, served on October 24, 2006.

14 4. Attached hereto as **Exhibit C** is a true and correct copy of a Notice of Subpoena to  
15 iMarc, served in a related action ConnectU v. Facebook Civil Action No. 1:04-cv-13923 (DPW)  
16 on September 5, 2006.

17 5. Attached hereto as **Exhibit D** is a true and correct copy of a Subpoena Duces  
18 Tecum for Documents and Videotape Deposition served on Defendants Pacific Northwest  
19 Software, Inc. December 29, 2006.

20 6. Attached hereto as **Exhibit E** is a true and correct copy of a Subpoena Duces  
21 Tecum served on Defendant David Gucwa on February 22, 2007.

22 7. Attached hereto as **Exhibit F** is a true and correct copy of Plaintiff and  
23 Counterclaim Defendants' Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a), served in a related  
24 action ConnectU v. Facebook Civil Action No. 1:04-cv-13923 (DPW) on April 7, 2005.

25 8. Attached hereto as **Exhibit G** is a true and correct copy of Section 1.01 from the  
26 2006 Restatement (Third) of Agency by the American Law Institute.

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I declare the foregoing is true and correct to the best of my knowledge.

Executed this 13th day of February, 2008, at Menlo Park, California.

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/s/ Tina Naicker /s/

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/s/ Yvonne Greer /s/  
Yvonne Greer